

September 6, 2023

VIA ECF

Honorable Arun Subramanian
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: Access Business Group International, LLC et al. v. Refresco Beverages US Inc.
Civil Action No.: 1:21-cv-10779-AS – Joint Letter-Motion for Extension of Time for
Filing Motions to Exclude Expert's Testimony**

Dear Judge Subramanian:

Counsel for the parties move jointly by this letter-motion, pursuant to Local Rules 7.1(d) and 5.2(b) and Your Honor's Individual Rule 3.E, to respectfully request an extension of the deadline for filing motions to exclude testimony of experts. The parties have conferred and agree that the deadline to file such motions should be extended past all the current summary judgment motion briefing deadlines, which run through October 6, 2023.

Therefore, we respectfully request that the deadline for the submission of motions to exclude expert testimony, presently set for September 13, 2023, be extended to November 3, 2023.

This is the parties' first request to extend the deadline for the filing of motions to exclude expert testimony. (This action was transferred, from Judge Schofield to Your Honor, only recently and after initial submissions already had been filed on motions for summary judgment. Judge Schofield had not imposed, by rule or order, any deadline for filing motions to exclude expert testimony. Shortly after the case reassignment, Your Honor, by order dated August 22, 2023, set the present deadline of September 13 for filing such motions).

The parties are not currently scheduled to appear before the Court and the only existing deadlines are the deadlines (set by Judge Schofield and adopted by Your Honor) for filing remaining opposition or reply papers for Defendant's motion for summary judgment and Plaintiffs' cross-motion for summary judgment.

The parties thank the Court for its consideration of this joint request.

Respectfully,

/s/ Edward J. Bardelli
Warner Norcross + Judd LLP
Edward J. Bardelli
(Attorneys for Plaintiffs)

/s/ Edwin M. Baum
Edwin M. Baum
Perkins Coie LLP
(Attorneys for Defendant)

The request is GRANTED in part. The deadlines set forth in the Court's prior order (Dkt. 90) are extended by two weeks. The Court will consider a longer extension if the parties mutually agree that no party will assert that the testimony of an expert to be challenged is a reason to grant or deny summary judgment on any issue. The Clerk of Court is directed to close ECF No. 96.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a blue line.

Arun Subramanian, U.S.D.J.

Date: September 6, 2023